

82D CONGRESS  
2d Session

HOUSE OF REPRESENTATIVES

REPORT  
No. 2404

## HOMER C. BOOZER AND OTHERS

JULY 1, 1952.—Committed to the Committee of the Whole House and ordered to be printed

Mr. GOODWIN, from the Committee on the Judiciary submitted the following

### REPORT

[To accompany H. R. 8205]

The Committee on the Judiciary, to which was referred the bill (H. R. 8205) for the relief of Homer C. Boozer and others, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the proposed legislation is to relieve certain employees of the Post Office Department of liability to refund to the United States some small amounts they earned during the Christmas holidays, which it is contended was in violation of the dual compensation law.

#### STATEMENT OF FACTS

The proposed legislation was submitted to the Speaker of the House of Representatives by the Postmaster General and proposes such relief to these employees.

The letter of the Postmaster General is as follows:

OFFICE OF THE POSTMASTER GENERAL  
Washington 25, D. C., June 9, 1952.

Hon. SAM RAYBURN,  
*Speaker of the House of Representatives.*

DEAR MR. SPEAKER: There is transmitted herewith a draft of proposed legislation for the relief of Homer C. Boozer, Terry Davis, Leopold A. Fraczkowski, Earl W. Keating, and Charles A. Paris.

The purpose of this proposed legislation is to relieve the named individuals of liability to refund to the United States certain sums of money which they were paid as temporary mail handlers at the Wilmington, Del., post office for the period beginning December 16, 1951, and ending December 31, 1951. During this period they also were regularly employed in the custodial service of the General Services Administration.

On December 18, 1951, the postmaster at Wilmington was erroneously advised that, in connection with the need for additional assistance during the Christmas

season, no distinction need be made between General Services Administration custodial employees and Post Office Department custodial employees.

This matter was presented to the Comptroller General for a ruling and that official decided that "as the dual employments in question were not confined to the postal service, they were in contravention of the act of May 10, 1916, as amended, and this office is without authority to allow credit for such payments, assuming that the employee would elect to retain the compensation paid by General Services Administration."

The total cost of the enactment of this legislation would be \$169.96.

Inasmuch as the postal service received the benefit of the services of these employees, this Department strongly urges the enactment of this legislation.

This Department has been advised by the Bureau of the Budget that there would be no objection to the submission of this legislation for consideration by the Congress.

Sincerely yours,

V. C. BURKE,  
Acting Postmaster General.

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